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Evolution of Polish Building Law 1928–1939 as an Example of Spatial Policy Development

Abstract

The text is devoted to the evolution of construction law in the period of the Second Polish Republic as one of the tools of the broadly understood policy of the State. The basic research problem is the rationalization of regulations and their functioning in the legal system. The analysis allowed us to formulate research conclusions. The policy regarding construction law and spatial development in the Second Polish Republic was subordinated to the overarching goals, i.e. the unification of regulations in the country and building the image of a strong state by organizing space. In terms of specific objectives, the evolution of the law was aimed at rationally increasing the amount of affordable housing, strengthening co-responsibility of private entities for spatial development, smart management of available resources, and intensive support for new housing.

Keywords: Polish Building Law; Urban Coding; Development Plan;

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1. Introduction

1.1. Scope of the issue

The aim of the analysis is to present the evolution of construction law in the period of the Second Republic of Poland as one of the tools of the broadly understood policy of the then Polish State. The basic research problem is the rationalization of regulations enabling effective spatial policy. A rational and effective spatial policy is understood as the process of spatially planning the development of cities and settlements, subordinated to the most effective use of resources (i.e. land, landscape, technical infrastructure) and taking into account a fair distribution of spatial development costs, but also profits from its implementation.

The article focuses primarily on construction law and related regulations. Typically, technical issues related to town planning, architecture and construction are of secondary importance. As an element indirectly related to spatial policy, regulations supporting housing construction have been also discussed, including the financial tools for controlling and supporting this construction.

The issues of the evolution of construction law in the period of the Second Polish Republic have been discussed sporadically so far, and most of the works on this subject are of a contributory nature.[1] The book by Czesław Krawczak from the 1970s is the only one that deals directly with the history of Polish building codes in a cross-sectional manner.[2] On the other hand, the issue of construction law as a tool

[1] Bratkowski (2013); Smarż (2018)
[2] Krawczak (1975)

of state policy has never been the subject of scientific research in Poland so far.

1.2. General conditions of rational spatial policy

The order and harmony of public space, and thus *sine qua non* - of buildings, is an emanation and a visible sign of the general order in the state. For this reason, the issues of spatial development management should also be a subject of political science studies. The way of regulating and controlling buildings stems from the mutual relationship between private and public law - it depends on the level of autonomy of the two spheres: the power of the state and the power resulting from ownership (private property).

The spatial development control policy (construction), like any public policy, should be guided by the common good (*bonum publicum*), which in this particular case means:

1. Efficient management of resources, construction areas as well as existing buildings and infrastructure;
2. Financial co-responsibility of private entities (property owners) and public entities (local governments, the state) for spatial development;
3. Support for new construction by the state and local authorities.

Only the combined application of these principles can produce satisfactory results from the perspective of the development policy of the state.

After the partitions, the Second Polish Republic inherited not only diversified construction laws, but also a heterogeneous system of spatial development planning.[3] Although in all

[3] Kumianiecki (1914); Rozważania nad rządowym projektem ustawy budowlanej; Krawczak (1975): 117.

the partitioning countries, the construction of roads and utilities (technical infrastructure) was the responsibility of local governments and / or the state. However, e.g. in Prussia, private participation was required in the costs of implementing public goals related to, among others, the establishment of new parks, streets and squares. On the other hand, the technical underdevelopment of the territories annexed by Russia, which accounted for almost 70% of the area, contributed to the perception of Poland as a backward country, without roads and infrastructure - a "wooden" country on the outskirts of Europe. This fact significantly weakened the image of the reborn Republic of Poland, which was particularly unfavorable in the context of cultural diversity within Poland and the hostility, or at least distrust of the vast majority of national minorities in the State.[4] Therefore, the reconstruction of the country, its modernization and development, in the first place, required improvement of building regulations, especially in the lands of the former Russian partition. In this way, the reform of construction law served to build the image of Poland as an orderly, ergo strong and stable country.

However, at the beginning of the independent Republic of Poland, the focus was not on unifying, but rather on improving the existing regulations left behind by the partitioning powers.[5] That is why the new, uniform and nationwide act on construction and urban planning was being prepared in Poland for several years, but it was only introduced by President Mościcki at the beginning of 1928.[6] Its aim was,

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4 Krawczak (1975): 118–119.

5 Szymkiewicz (1925)

6 Ordinance of the President of the Republic of 16 February 1928 on Construction Law and Development of Housing Estates (Journal of Laws of 1928, No. 23, item 202) [hereinafter: Construction Law 1928]

on the one hand, to unify construction law in the territory of the united Republic of Poland, and on the other, to adapt the regulations to the changing conditions of the present day. The 1928 Act was amended several times, but the biggest changes were made in 1936.[7] The scope of these changes was so extensive that in 1939 a new consolidated text of the Ordinance of the President of the Republic of Poland on construction law and housing development was announced.[8] These regulations functioned with some changes until the beginning of the 1960s, which meant that according to them, the country was rebuilt not only after World War I, but also after World War II.

2. Rational management of resources

2.1. Organizing public space

The issue of prime importance at the dawn of the Second Polish Republic was the reconstruction of the war damage and the fight against spatial chaos, especially in the small

[7] Ordinance of the President of the Republic of 3 December 1930 amending the Ordinance of the President of the Republic of 16 February 1928 on Construction Law and Development of Housing Estates (Journal of Laws of 1930, No. 86, item 663) [hereinafter: Construction Law 1930]

Act of 14 July 1936 amending the Ordinance of the President of the Republic of 16 February 1928 on Construction Law and Development of Housing Estates (Journal of Laws of 1936, No. 56, item 405) [hereinafter: Construction Law 1936]

[8] Announcement of the Minister of the Interior of 28 February 1939 on the publication of the consolidated text of the Ordinance of the President of the Republic of 16 February 1928 on Construction Law and Development of Housing Estates (Journal of Laws of 1939, No. 34, item 216) [hereinafter: Construction Law 1939]

towns of the former Russian partition. Before the introduction of new construction law, in 1927 the Polish President issued a legal act whose main objective was to solve the problem of the shortage of housing and general low quality of living areas in Poland.[9] For the sake of order and proper use of scarce resources, the ordinance «on the expansion of cities» introduced firm restrictions, including expropriation of undeveloped or insufficiently developed land as well as unfinished buildings and buildings in danger of collapsing.[10] It should be remembered that the possibility of expropriating real estate in poor technical condition has its roots in Roman law and is justified by the general principle of good use of property.[11] Initiation of the expropriation procedure was possible only when all administrative measures ordering the construction, renovation or demolition and re-erection of new buildings had been exhausted.

For the purpose of organizing space and rational management of resources, a new cadastral tax, which was aimed to supply the State Fund for Reconstruction Cities was levied.[12] The tax, amounting to a maximum 1% of the property value, covered all unbuilt or "insufficiently developed" private plots suitable for development and located on the areas covered by the development plan.[13] Unfortunately, the aforementioned

[9] Ordinance of the President of the Republic of 22 April 1927 on the Expansion of Cities (Journal of Laws of 1927, No. 42, item 372) [hereinafter: Ordinance on the Expansion of Cities 1927]. Garwicz, Probst (1936): 431–437

[10] Ordinance on the Expansion of Cities 1927: Art. 6; See: Krawczak (1975): 120.

[11] Domińczak (2007): 18–22

[12] Ordinance on the Expansion of Cities 1927: Art. 24

[13] In the soon-to-be-issued executive regulation, the basic tax rate was set at 0.5%. The exception was taxation of building plots located in centers of cities of more than 15,000 inhabitants, where the maximum

fund was discontinued at the beginning of 1936, and the tax on undeveloped plots followed right behind.[14]

The ordinance of 1927 on the expansion of cities was amended several times and finally in 1936 a consolidated text was announced.[15] Despite departing from many of the original assumptions, the right to expropriate poorly built-up or undeveloped real estates in cities was retained.[16] Moreover, in 1937, the government issued one more ordinance aimed at unifying the housing support policy.[17] At the same time, such terms as "bigger city", "housing cooperative", "small apartment" or "workers' house" were coined.[18]

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rate had to be applied. See: Ordinance of the Minister of the Treasury of 3 November 1927 in communication with the Minister of Public Works, Interior and Agricultural Reforms on implementation of the Ordinance of the President of the Republic of 22 April 1927 on the Expansion of Cities (Journal of Laws of 1927, No. 106, item 913), § 29. See: Garwicz, Probst (1936): 438–441

[14] Decree of the President of the Republic of 14 January 1936 on the amendment of the Ordinance of the President of the Republic of 22 April 1927 on the Expansion of Cities (Journal of Laws of 1936, No. 3, item 9): Art. 2

[15] Announcement of the Minister of the Treasury of 22 January 1936 on the publication of the consolidated text of the Ordinance of the President of the Republic of 22 April 1927 on the Expansion of Cities (Journal of Laws of 1936, No. 10, item 107) [hereinafter: Ordinance on the Expansion of Cities 1936]

[16] Ordinance on the Expansion of Cities 1936: Art. 6

[17] Ordinance of the Minister of the Treasury of 9 April 1937 in agreement with the Minister of the Interior and the Minister of Agriculture and Agricultural Reforms on implementation of the Ordinance of the President of the Republic of 22 April 1927 on the Expansion of Cities (Journal of Laws of 1937, No. 34, item 267)

[18] Ibidem: Art. 13

2.2. Planning and control of spatial development

In general terms, namely regarding supervision and regulation of new construction, the law of 1928 mandated cities and towns to prepare so-called development plans.[19] Creating new plots in cities, which means actually spatial development, was made possible by implementation of the development plan only in three cases:

a) on the basis of an approved subdivision plan;

b) by consolidation of undeveloped plots and land unsuitable for development;

e) by joining defectively built-up plots (transformations).[20]

Similarly, creation of municipal streets, roads, squares and all areas intended for public use could take place only under an approved development plan.[21] The plans were divided into the general and detailed category. The former had the character of a functional disposition, although it also contained references to typology and defined the form (profile) of thoroughfare corridors.[22] The detailed plans contained more precise information, including built-to-lines.

The construction law of 1928 adopted very simple and understandable rules for shaping buildings, most of which took into account the best practices found in the regulations of the partitioning states. The minimum width of streets was set at 12 meters, with the exception of the main thoroughfares, which were supposed to be no less than 18 meters

19 Construction Law 1928: Art. 7
20 Ibidem: Art. 3
21 Ibidem: Art. 4
22 Ibidem: Art. 10

wide.[23] 25% of each plot of land had to be left free of buildings.[24] The height of typical buildings could not exceed 22 meters and could not be greater than the width of the street on which they were located.[25] The rules foresaw minor exceptions depending on the location and / or function of the buildings. In terms of caring for public order and the image of the State, there were also seemingly secondary issues, such as the issue of separating the public and private spheres, i.e. the fencing of private plots adjacent to public areas, which was not neglected when creating construction law.[26]

The act completely prohibited the so-called wild-type subdivision: "The division of construction sites not owned by the State or municipalities [...] may only be made on the basis of an approved subdivision plan." [27] Originally, construction sites were considered to be "areas within housing estates, covered by a legally valid development plan or recognized by the authority approving municipalities as construction sites,"[28] and then (from 1936), de facto all private land located "within the administrative boundaries of municipalities."[29] In practice, due to the need to separate streets, the subdivision of larger areas required a development plan because this was the sole basis for delimiting public roads.[30] The local administration (municipality) was obliged to prepare an appropriate

[23] Ibidem: Art. 13–14

[24] Ibidem: Art. 176

[25] Ibidem: Art. 181–182

[26] Ordinance of the Minister of the Interior of 16 March 1938 on Separating Plots and Estates (Journal of Laws of 1938, No. 21, item 182)

[27] Construction Law 1928: Art. 52

[28] Ibidem: Art. 53

[29] Construction Law 1936, Art. 52 letter a). At that time, rural areas - to a limited extent - were also included in the category of areas the subdivision plans of which required approval .

[30] Construction Law 1928: Art. 56

design and geodetic studies, as well as equip development areas with technical infrastructure.

As a rule, responsibility for spatial development rested on the municipalities, but the act confirmed the significant role of state administration (starosts, voivodes) in this process as the authorities responsible for the general order in the State. First of all, municipalities were given the right to establish additional rules and building conditions in local regulations, which were supposed to counteract irrational development and speculative land management.[31] The spatial order and better use of resources could be achieved, for example, by prohibiting erection of residential buildings in unfinished streets in cities, or by setting the minimum permissible height of buildings. The orders and restrictions could include guidelines on the dimensions of streets, the size and method of arranging courtyards, shaping the facades, roofing, types of fences, and even specific conditions for spaces intended for people.[32]

After a subdivision plan had been prepared and approved, the municipality and the State had the right to expropriation of land intended for public purposes (transport, public utility buildings, green areas, sports and recreation, etc.).[33] The owners whose rights had been infringed upon were entitled to compensation, but only in cases where the rights (violated by e.g. the prohibition of building) had really existed and were not "potential" at the time the plans were adopted. The claims expired after three years.[34]

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31 Ibidem: Art. 20, Art. 410 points 1–3
32 Ibidem: Art. 408 point 9
33 Ibidem: Art. 43 letter a)
34 Ibidem: Art. 47

Despite the large (and increasing after 1926) state control, local governments retained their autonomy and great powers in the field of spatial development planning throughout the history of the Second Polish Republic. The municipalities had the right to tighten the statutory provisions to a very large extent. Apart from the described issues concerning the structure or dimensions of buildings, the municipalities could introduce inspections and even impose the obligation to obtain building permits in cases not provided for by the act (sic)[35].

De jure local regulations were issued by government administration, namely the Minister of Public Works in agreement with the Minister of the Interior, at the request of the magistrate (in Warsaw) or the voivode (in other cities), based on the resolutions of municipal self-governing bodies (councils) .[36] Moreover, when there was a need to establish local regulations in the absence of relevant resolutions passed by a council, the government could issue local regulations on its own.[37] Construction law also made it possible for the Minister of the Interior (in Warsaw) or the voivode (in other cities) to order a kind of alternative implementation of the development plan in the municipality, which evaded this obligation and charged the municipality with the related costs.[38]

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35 Ibidem: Art. 410point 10

36 Ibidem: Art. 415. After 1936 and the general reform of the central government, this power was vested in the Minister of the Interior, who could delegate it to voivodes.

37 Construction Law 1928: Art. 416

38 Ibidem: Art. 24

2.3. Political and military conditions

The biggest, or I dare even say revolutionary, changes concerning construction and spatial planning in Poland resulted from the changing political situation in Europe and intensive development of the war effort. However, these changes were not fully implemented in practice because of the outbreak of WWII. In 1938, probably in response to the course of the Spanish Civil War, the Council of Ministers issued an ordinance on the preparation of anti-aircraft and anti-gas defense during peacetime regarding regulation and development of housing as well as public and private construction.[39] The use of air force on an unprecedented scale by both sides of the conflict in Spain was widely discussed around the world. The war began on 18 July 1936, but the greatest intensity of air raids on big cities, both on the republican and national side, intensified in mid-1937. The course of air operations, and in particular the devastating effects of using high-explosive and incendiary bombs in densely built areas, highlighted the problems of ensuring safety in cities.

Therefore, the effect of the regulation was to significantly intersperse urban development with green areas.[40] The minimum width of streets was increased by half, i.e. to 18 meters, and in the case of main thoroughfares - to 60 meters.[41] A very important, also from the point of view of combating

[39] Ordinance of the Council of Ministers on the preparation of anti-aircraft and anti-gas defense during peacetime regarding regulation and development of housing as well as public and private construction (Journal of Laws of 1938, No. 32, item 278), [hereinafter: Ordinance on the Preparation of Anti-aircraft Defense 1938]

[40] Ordinance on the Preparation of Anti-aircraft Defense 1938, §8 section 1), §9. Szymkiewicz (1938): 125–148

[41] Ibidem: §4, §6 section 1) point 1)

chaotic subdivision, a prohibition was introduced to create cul-de-sacs (dead-end streets).[42] The possibility of building on plots was significantly reduced, since they could now be built up to a maximum of 45% of their area.[43] There was also a minimum distance between the buildings on the plot set at 10 meters. The rules formulated in this way de facto led to a gradual elimination of habitable outbuildings.[44]

The regulation - for obvious reasons - could not have had a major impact on urban development in the Second Polish Republic. For unknown reasons, its provisions were not included in the consolidated text of the law written in 1939. The practical effects of the application of the regulation manifested themselves only to a limited extent in some forms of housing from that period, especially in large cities.[45]

The last amendment to the building and spatial regulations took place on 25 August 1939, when President Mościcki issued a decree changing the construction law.[46] The reason was undoubtedly the preparations for the coming war, but the decree provided, inter alia, a significant relaxation of regulations regarding qualifications for construction management during war. In addition, it took into account the "requirements of the state's defense needs," in particular

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42 Ibidem: §7

43 In residential districts it was even less: 35% for compact development and only 25% for scattered development. See: Ordinance on the Preparation of Anti-aircraft Defense 1938: §20(1). For comparison: at that time construction law in Poland allowed up to 75% of the plot area to be built. (Construction Law 1928: Art. 176)

44 Ordinance on the Preparation of Anti-aircraft Defense 1938: §23

45 Domińczak, Zaguła (2016): 143

46 Decree of the President of the Republic of 25 August 1939 on the amendment of the Ordinance of the President of the Republic on Construction Law and Development of Housing Estates (Journal of Laws of 1939, No. 77, item 514)

the dispersion of buildings (sic) when drawing up development plans.[47]

3. Shared responsibility of private entities

In addition to the possibility of expropriation for public purposes, the Act of 1928 provided for the optional possibility of charging property owners with the costs of building road infrastructure in urban areas. After the approval of the plot and development plan, the owners of newly created plots did not have to wait for the street to be built by the municipality and had the right to arrange the streets on their own in accordance with the rules adopted in a given municipality and under its control.[48] The municipal council could burden the owners of adjacent plots and, in special cases, also the owners of other real estates who "acquire special benefits as a result of arranging the street or streets, square or squares" with the costs of the so-called "first arrangement of a street" and squares of up to 20 meters in width.[49] Combined with the absence of exceptions and territorial designations (e.g. the place of the actual residence of the owner or the nature of ownership), it allowed to force those who benefited from it to participate in the costs of infrastructure. The aforementioned expenses included the costs of land, road and pavement construction, lighting, as well as water mains and sewerage systems.

The purpose of the above described mechanism was primarily to relieve local governments of the costs of infrastructure construction at the first stage of creating new

47 Ibidem: Art. 1
48 Construction Law 1928: Art. 64
49 Ibidem: Art. 174; Garwicz, Probst (1936): 96

neighborhoods. Municipalities were obliged to take over streets built at private expense if buildings along them exceeded 1/3 of the total length of the planned frontages on both sides.[50] In such cases, local governments had to cover all costs of their construction incurred by private owners.

The principles of sharing responsibility among owners in the spatial development process were significantly changed by the aforementioned amendment to the construction law of 14 July 1936. It introduced the obligation of direct participation of private entities in the cost of creating development plans. From that time on, the cost of creating plans for plots exceeding 10,000 m^2 (1 ha) had to be borne by their owners.[51] The amendment also specified the rules for allocating the costs of constructing streets. The principles of transferring the costs of arranging streets and squares for public transport were detailed and expanded. These costs could be transferred by a municipality, in whole or in part, onto the owners of the adjacent plots, "taking into account the benefits the owners gained as a result of arranging a street or square, and were dependent on the way of development and its density, as well as the nature of the street or square."[52] Moreover, the entities that could be charged with the construction costs, besides the property owners, also included "owners of enterprises or equipment located on these plots."[53] Therefore, it did not exclude temporary buildings, machines or even parked vehicles (sic).

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50 Construction Law 1928: Art. 66

51 In the cities located at sea ports, i.e. in Gdynia, Władysławowo, Puck and Hel, the limit was twice smaller: ½ ha (5000 m^2). Construction Law 1936: Art. 37 sections 3–4

52 Construction Law 1936: Art. 174 sectiopn 2letter a)

53 Ibidem: Art. 174 section 2 letter b)

In 1936, the scope and method of participation of private entities in the costs of road construction in the areas of existing settlements were partially changed and the technical parameters of any infrastructure that was the subject of a potential cost transfer were detailed.[54] The 20-metre-wide limit for the costs of the first arrangement of streets and squares, applicable since 1928, did not apply to new estates, when the plan covered "an area of at least one hectare."[55] Then, "the authority appointed to approve the subdivision plan [city boards, poviat departments] could mandate the owners of this area to arrange streets and roads at their expense, as well as squares and parks intended for public use, in the way determined by the authority in accordance with the development plan."[56] The total area of such plots, however, could not exceed 25% of the area of building plots provided for in the subdivision plan or 35% of the total area of these plots, where the latter exceeded 15 hectares.[57]

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[54] Ibidem: Art. 174 section 3.

[55] In the cities located at sea ports at least ½ hectare. See: Construction Law 1936: Art. 64 section 1

[56] Construction Law 1936: Art. 64, section 1

[57] The way of description resulted in the de facto higher limit, and the 25% coefficient was used when the subdivision plan covered up to 18.75 hectares.

TA = total area of the subdivided area

PA = area of plots designated in the subdivision plan

PS = area of public land (public space)

TA = PA + PS If PA < 15 hectares, than:

TA = 15 ha + 25% * 15 ha = 15 ha + 3.75 ha

TA = 18.75 ha

If PS = 25% of PA, than TA = PA + 0.25*PA, so: TA = 1.25PA and PA = 0.8TA Because TA = PA + PS, than PS = TA – PA, so: PS = TA – 0.8TA and PS = 0.2 TA

As one can see, due to the method of defining, in practice the max. 20% of the land of area from 1 to 15 hectares and max. 26% of the land of area over 15 hectares could be designated for public use.

The owners were also burdened with the obligation to keep the public areas organized by them "in a condition that is fit for use."[58] On the other hand, the municipality was obliged to take over and continue to maintain private streets and squares without compensation, after developing at least 1/3 of the plots created as a result of subdivision, and not 1/3 of the length of the plots' frontages, as previously.[59]

In order to prevent speculation, the transfer to third parties of the ownership of plots created as a result of subdivision was prohibited before the arrangement of streets, squares and parks for which the owner was obliged to arrange the facilities.[60] The resolution of the municipal council on the sharing of the costs of construction of streets and squares had to be approved by the starost or provincial governor (voivode).

Unfortunately, the rules of sharing the road construction costs adopted in 1936 turned out to be difficult to enforce and encountered social resistance. Probably for this reason, the following year the Minister of the Interior issued two ordinances, which significantly eased the obligation of private owners to participate in the costs of repairing and building roads in the areas of existing housing estates, which resulted from Art. 174 of the construction law ("the first arrangement of a street").[61] The value of the regulation was the first

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[58] Construction Law 1936: Art. 66

[59] Ibidem: Art. 67

[60] Ibidem: Art. 64 section 5)

[61] Ordinance of the Minister of the Interior of 10 June 1937 on Easing the Obligation of Bearing Costs of Arrangement of Streets and Squares as well as Reducing and Postponing Payments on this Account (Journal of Laws. of 1937, No. 46, item 351)

Ordinance of the Minister of the Interior of 15 July 1937 on the Obligation of Property Owners' Participation in Covering the Costs of Replacing a Hardened or Paved Surface of Streets and Squares with a Surface of an Improved Material (Journal of Laws of 1937, No. 55, item 436)

definition of the intensity of development (floor-area ratio) in Polish law and designating the degree of participation of private entities in the costs of infrastructure dependent on it.[62]

4. City development and housing support

From the beginning of the Second Polish Republic, the State pursued a policy of supporting new development. The most acute problem was the reconstruction of towns and villages after the war damage, especially in the eastern provinces, and this was the purpose of the first legal acts concerning development.[63] Therefore, the building law of 1928 was preceded by several legal acts aimed at organizing and supporting the "development of cities." In practice, it meant supporting housing construction, although the first law in this regard, which in 1922 introduced a 15-year period of exemption from property taxes, concerned the construction, extension and reconstruction of all (sic) "residential, commercial and industrial" buildings. [64]

In 1927, in the regulation "on the development of cities" mentioned earlier, when discussing the issue of rational resource management, two special purpose funds were created: the State Construction Fund and the State Fund for Urban Development.[65] Their task was primarily to support broadly understood housing construction. The State

[hereinafter: Ordinance on the Obligation of Property Owners' Participation in Covering the Costs of Replacing of the Surface of Streets 1937]

[62] Ordinance on the Obligation of Property Owners' Participation in Covering the Costs of Replacing of the Surface of Streets 1937: §2, §4

[63] Krawczak Cz. (1975): 117–118.

[64] Act of 22 September 1924 on Reliefs for New Buildings (Journal of Laws of 1924, No. 88, item 786)

[65] Ordinance on the Expansion of Cities 1927: Art. 15

Construction Fund was used to grant short-term loans, and its operation was financed, inter alia, by the State Fund for Urban Development, created from part of the revenues from the real property tax and the aforementioned special tax on construction sites.[66] In terms of indirect support, a number of exemptions and reductions have also been introduced, including the most important ones as follows:

- Exemptions from stamp duties;
- 10-year exemption from tax on income from renting apartments in newly built or expanded residential buildings;
- Possibility to deduct the costs incurred by the construction of residential houses from income for up to 5 years after completion, which was introduced for a period of 8 years;[67]
- Exemption from municipal taxes for building materials intended for housing purposes.[68]

The provisions of the ordinance of 1927 were partially consumed by the Act of 1928, but the efforts to financially support construction activity initiated in 1922 were continued in the following years.[69] In 1933, a new law on construction allowances was introduced, which further expanded the possibilities of supporting construction activities.[70] The 15-year

66 Ibidem: Art. 23–24

67 Ibidem: Art. 33

68 Ibidem: Art. 34

69 Ordinance of the President of the Republic of 12 September 1930 on Tax Reliefs for New Buildings (Journal of Laws of 1930, No. 64, item 508)

70 Act of 24 March September 1933 on Reliefs for New Buildings (Journal of Laws of 1933, No. 22, item 173)

exemption for new buildings (which also included extensions and superstructures) from all property taxes was maintained. The income tax exemption from the rental of flats in new buildings was extended for a period half longer than the previous one, i.e. up to 15 years. The possibility of deducting the costs of building residential houses from income was also maintained. In 1938, the last change in the regulations on financial support for construction took place, when construction allowances were incorporated into a completely new law on investment allowances.[71]

5. Conclusion

The state policy regarding construction law and spatial development in the Second Polish Republic was consistently aimed at making the construction process orderly, rationally increasing the supply of residential areas and forcing those owners of real estate who benefited from it to be responsible for spatial development. In the latter case, it was not only about a fair distribution of costs, but above all about relieving the municipalities for which the costs of building infrastructure, given the enormity of other public tasks, were difficult to bear. Less systematic efforts were made to force rational management of the resources which were located within the boundaries of cities and settlements. A serious mistake was the abandonment - after only 8 years of operation - of the idea of additional, "punitive" taxation of undeveloped plots in cities.

[71] Act of 9 April 1938 on Investment Reliefs for New Buildings (Journal of Laws of 1938, No. 26, item 224), Art. 24–34

As a result of the evolution of Polish construction law which lasted just over a decade, the spatial planning system at the end of the Second Polish Republic was based on four basic principles:

1. Land subdivision, i.e. division of real estate into new building plots, possible only under development plans and / or subdivision approved by the municipality / state;
2. Property owners (and developers) must participate in the cost of road construction and technical infrastructure;
3. Owners of real estate in areas of new development must transfer part of the land for public purposes free of charge;
4. Tax incentives for the construction industry, in particular for new housing in cities are an integral part of the planning.

It should also be emphasized that the State plays a major and de facto decisive role in the spatial development management process in the Second Polish Republic. State administration bodies, and in particular starosts as part of the supervision over municipalities, enjoyed broad rights as regards planning initiative, including the right of substitute implementation of development plans. So it was supervision supported by real legal tools. The state not only initiated changes through legislation, but actively participated in the process of spatial development planning.

Summarizing the changes in the regulations on town planning and construction that took place in the years 1928–1939, it should be stated that the concept of spatial development

planning of the Second Polish Republic presented itself as a coherent and rational system, constituting an integral whole with the general development policy of the state. Therefore, the experience from this period should be widely used during work on the reform of spatial and housing policy in Poland.

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